

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and receipt of the certified copy of the priority document. Responsive to the Office Action mailed on August 24, 2005 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-2 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yeung (US 6,842,652). Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung in view of Mishio (US 2002/0048459 A1). Claims 5-8 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In this paper, claim 5 is amended to include all the limitations of claim 1. Claims 1 and 11 are amended to recite that the first display is coupled with the body and displays information provided by the body. Support for this amendment can be found on page 4, lines 15-17 of the specification. Claim 3 is amended to correct informalities. Claim 13 is amended to recite the first display is a text display, addressing the "sufficient structure" issue brought up in the office action. New claims 14-16 are added. Thus, on entry of this amendment, claims 1-16 are pending.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Allowable Subject Matter

Applicant thanks the Examiner for his indication in the Office Action that claims 5-8 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has amended claim 5 to incorporate all the limitations of claim 1. Applicant therefore submits that claims 5-8 are now in condition for allowance.

Rejections Under 35 U.S.C. 102(e)

Claims 1-2 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yeung. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

Yeung discloses an image capture device comprising a handheld appliance 50, a swivel unit 26, a viewfinder 22 including an ocular lens 22a and an objective lens 22b, and an image sensor 66. The viewfinder 22 is disposed on a surface of a viewfinder portion 21, for observing an image or framing a shot.

Yeung does not teach or suggest an electronic device comprising a rotating member rotatably connected to a body and having first and second surfaces; a **first display** disposed on the first surface of the rotating member; and an image capture sensor disposed on the second surface of the rotating member, as recited in claim 1.

To anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the rejections, the Examiner relies on Yeung's viewfinder 22 to teach the display of claim 1. Applicant disagrees with this characterization of viewfinder 22, which is clearly described by Yeung as an optical device comprising ocular lens 22a and objective lens 22b. See column 3, lines 5-18 of Yeung. Given that the broadest reasonable interpretation of the claims must also

be consistent with the interpretation that those skilled in the art would reach, Applicant submits that "display" in an electronic device distinguishes over an optical viewfinder.

Even Yeung makes this distinction, stating in column 3, lines 10-16 that "it has been found that it is difficult to see the **display** of the portable device in bright natural sunlight conditions ... the inclusion of the **optical viewfinder** 22 of the present invention expands the users ability to capture images ..." [Emphasis added].

Applicant therefore submits that Yeung fails to teach or suggest a **display** disposed on the first surface of the rotating member.

Yeung does not teach or suggest an electronic device wherein the first display is electronically coupled with the body and displays information provided by the body, as recited in claim 1.

Furthermore, as the viewfinder 22 is an optical device comprising lenses, it follows that it is not **electronically coupled to the body**, and does not **display information provided by the body**.

For at least the reasons described above, it is Applicant's belief that Yeung fails to teach or suggest all the limitations of claim 1. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn and the claim passed to issue. Insofar as claims 2-4, 9-10 and 13-16 depend from claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1 it is Applicant's belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103(a)

Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung in view of Mishio. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

As noted above, it is Applicant's belief that claims 3-4 are allowable by virtue of their dependency from claim 1. For this reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

With respect to claim 11, Applicant submits that neither Yeung nor Mishio teach or suggest an electronic device comprising a rotating member rotatably connected to a body and having first and second surfaces; a ***first display*** disposed on the first surface of the rotating member; and an image capture sensor disposed on the second surface of the rotating member, wherein the ***first display is electronically coupled with the body and displays information provided by the body.***

In addition, Applicant submits that neither Yeung nor Mishio teach or suggest that the first display is a text display, as recited in claim 13.

Insofar as neither reference teaches the above features, it is Applicant's belief that even when taken in combination, the prior art references relied upon by the Examiner do not teach or suggest all the limitations of claims 11 and 13. For at least this reason, a *prima facie* case of obviousness cannot be established in connection with these claims. Furthermore, as it is Applicant's belief that a *prima facie* case of obviousness is not established for claim 11, the Examiner's arguments in regard to the dependent claims are considered moot and are not addressed here. Allowance of claims 11-13 is respectfully requested.

New Claims 14-16

New claims 14-16 are believed to be allowable at least by virtue of their dependency from claim 1. Applicant further submits that the limitations recited in claims 14 and 16 further patentably distinguish over the references cited by the Examiner. Namely, neither Yeung nor Mishio teach or suggest that the first display is a text display, or that the first display is monochrome.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Appl. No. 10/757,681

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Respectfully submitted,



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